

Kimberly A. Beatty
Stanley T. Kaleczyc
BROWNING, KALECZYC, BERRY & HOVEN, P.C.
139 N. Last Chance Gulch
P.O. Box 1697
Helena, MT 59624-1697
(406) 443-6820
(406) 443-6883 - Facsimile

Attorneys for PrintingForLess.com, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

LAWRENCE GREENBAUM,

Plaintiff,

v.

PRINTINGFORLESS.COM, INC., a Delaware
Corporation registered in Montana,

Defendant.

Case No. CV-08-83-BU-SEH

NOTICE OF REMOVAL

Defendant PrintingForLess.com, Inc., (“PFL”) submits this Notice of Removal of this action to the United States District Court for the District of Montana, Butte Division. As grounds for removal, Defendant states the following:

1. PFL is a defendant in a civil action pending in the Eighteenth Judicial District Court of the State of Montana, Gallatin County, DV 08-609A, entitled “Lawrence Greenbaum v. PrintingForLess.com, Inc.” The Civil Cover Sheet is attached hereto as Exhibit “A”. A true and correct copy of all process, pleadings and orders served upon PFL is being filed with this Notice as required by 28 U.S.C. § 1446(a), and is attached hereto as Exhibit “B.” A true and correct copy of this Notice of Removal will be filed with the Montana state district court for Gallatin County within five (5) days of the filing of this Notice as required by L.R. 3.2(a).

2. This action was commenced by the filing of the Complaint on July 31, 2008. The Summons was issued on July 31, 2008. A faulty Acknowledgment of Receipt of Summons and Complaint was first received by PFL on October 20, 2008. A corrected Acknowledgment of Receipt of Summons and Complaint was first received by PFL on October 21, 2008. Therefore, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b) within thirty (30) days of PFL's initial receipt of and notice of the pleading setting forth the claim for relief.

3. The United States District Court has removal jurisdiction here based on Federal Question Jurisdiction. 28 U.S.C. § 1331. The United States District Court for the District of Montana, Butte Division has original jurisdiction over this action based upon the allegations set forth in Plaintiff's Complaint that he is bringing his cause of action under the Fair Labor Standards Act (FLSA), 29 U.S.C. 2001 et seq. and that the Defendant has violated provisions of the FLSA.

4. That the Federal Courts have concurrent jurisdiction over the subject matter of this law suit and removal is appropriate has been definitively decided in *Breuer v. Jim's Concrete of Brevard, Inc.*, 538 U.S. 691, 123 S.Ct. 1882 (2003).

5. Under 28 U.S.C. § 1441(a), venue of the removed action is proper in this Court as the district and division embracing the place where the state action is pending.

6. PFL will promptly give the adverse party written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d). PFL will promptly file a copy of this Notice of Removal with the clerk of the Eighteenth Judicial District State Court, Gallatin County, Montana, where the action is currently pending, also pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, PFL, the defendant in this action, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this case styled, "Lawrence Greenbaum v. PrintingForLess.com, Inc.," Cause No. DV 08-609A, from the

Montana Eighteenth Judicial District State Court, Gallatin County, on this 18th day of November, 2008.

DATED this 18th day of November, 2008.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By /s/ Kimberly A. Beatty
Kimberly A. Beatty

Attorneys for PrintingForLess.com, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 2008, a true copy of the foregoing was served:

By E-Mail and first-class mail, postage prepaid to the following parties:

Paul Grigsby
Nash, Zimmer, Weaver & Grigsby
1700 W. Koch St., Suite 4
Bozeman, MT 59715
pgrigsby@grigsbylaw.com

/s/ Kimberly A. Beatty
BROWNING, KALECZYC, BERRY & HOVEN, P.C.